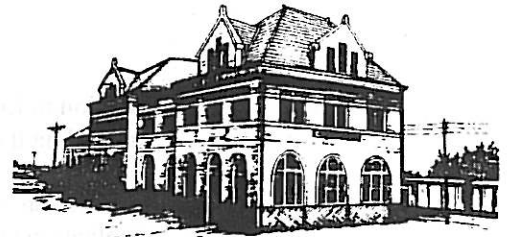


City of  
**CRESTON, IOWA**

116 W. Adams • P.O. Box 449 • Creston, Iowa 50801-0449  
Phone 641-782-2000 • Fax 641-782-6377



*Creston's Restored Depot and City Hall*

**MAYOR:** Warren Woods  
**COUNCIL:** Larry Wynn, Randy White, Loyal Winborn, Betty Shelton, Marsha Wilson, Larry Wagner, Terry Koets  
**CITY CLERK:** Lisa Williamson  
**CITY ADMINISTRATOR:** Mike Taylor

**Regular Meeting Agenda**  
**City Hall/Restored Depot**  
**Council Chambers**  
**July 21, 2009**  
**6:00 p.m.**

1. **Call Meeting to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Consideration of Agenda**
5. **Consider Adoption of the Consent Agenda – NOTE:** *These items are routine items and will be enacted by one motion without separate discussion unless a Council member requests an item be removed for separate consideration.*
  - a. Minutes of July 7, 2009 – Regular Meeting
  - b. Claims and Fund Transfers:
    - i. Total Claims - \$118,990.42
    - ii. Fund Transfers - \$
  - c. Licenses/Permits:
    - i. Amusement –
    - ii. Cigarette –
    - iii. Liquor – Montgomery Street Pub
    - iv. Beer/Wine – Chuong Garden
    - v. Outdoor Service –
    - vi. Parade –
  - d. Appointments:
6. **Public Forum** – *The Mayor and City Council welcome comments from the public on any subject pertaining to City business, including items on this agenda. You are asked to state your name and address for the record and to limit your remarks to 3 minutes in order that others may be given the opportunity to speak. The Order of Business is at the discretion of the Chair. No action will be taken.*
7. **New Business**
  - a. Public Hearing – easement for 129 N. Pine Street
  - b. Resolution to approve the easement for 129 N Pine Street
  - c. Public Hearing – vacation and sell a portion of an east-west alley
  - d. Resolution to approve vacating and selling a portion of an east-west alley
  - e. Resolution to postpone Public Hearings for tobacco violation notices until August 18, 2009 at 6:00 p.m. – Creston Farm & Home and Wal-Mart

- f. Motion to Establish Third and Final Reading on Ordinance No. 09-114 – An ordinance amending the amount charged for fines if not paid within 30 days. Section 1, Chapter 70.03
- g. Resolution to accept sealed bids on City-owned surplus vehicles – 2001 Crown Victoria (police car) and 2001 F-150 Ford pickup (seized in drug bust)
- h. Resolution to special assess nuisance abatement charges of \$2,275.00 due to non-payment by property owners – mowing nuisances
- i. Resolution to adopt policies for the Neighborhood Stabilization Program – SICOG
- j. Resolution to approve payment of \$5,596.30 from WIRB Funds to Steve Tilley for reimbursement to install riparian buffer, livestock crossing and fencing
- k. Appointment with Roger Lanning and Ellen Gerharz, Creston Balloon Days Committee, to request funds from Hotel/Motel Fund
- l. Motion to establish First Reading on Ordinance 09-115 – An ordinance amending provisions pertaining to Peddler's, Solicitor's and Transient Merchant's licenses
- m. Motion to acknowledge that an emergency action plan for Hurley Creek Dam has been developed and filed in the Mayor's office at City Hall
- n. Motion to approve temporary street closing request for Crazy Night Activities on August 6, from 3:00 p.m. – 10:00 p.m. on Maple Street from Adams to Mills Streets, including the alley on both sides of Maple Street

**8. Other Items**

**9. Adjournment**

## REGULAR MEETING OF THE CRESTON CITY COUNCIL JULY 7, 2009

The Creston City Council met in regular session at 6:00 o'clock P.M. on the above date in the Council Chambers of the City Hall Complex with Mayor Woods presiding.

Roll call being taken with the following Council members present: Wynn, White, Winborn, Shelton, Wilson, Wagner and Koets.

Wilson moved seconded by Wagner to approve the agenda. All voted aye. Motion declared carried.

Shelton moved seconded by Wilson to approve the consent agenda, which included approval of minutes of the regular meeting on June 16, and special meeting on June 23, 2009, claims of \$250,815.40, fund transfers of \$303,398.99, beer/wine licenses for Casey's #3 and True Value/Java J's. All voted aye. Motion declared carried.

During Public Forum Kathy Dryden, Dena Jackson, Melvin Scadden and Chuck Erickson addressed Council with their concerns regarding the new rules for trash pickup.

A resolution was offered by Wagner seconded by Shelton to approve the tentative union contract with Teamsters Local #238 – Police Department and authorize the Mayor and Clerk to execute the proper documentation. Koets, Wynn, White, Winborn, Shelton, Wilson and Wagner voted aye. Resolution declared passed.

A resolution was offered by Koets seconded by Shelton to participate in the Planning and Development Programs of the Southern Iowa Council of Governments and provide funding of \$6,267.53 and authorize the Mayor and Clerk to execute the proper documentation. Wynn, White, Winborn, Shelton, Wilson, Wagner and Koets voted aye. Resolution declared passed.

Mayor Woods announced that now was the time for a Public Hearing on the East Side Sewer Project 2009. He asked if anyone wished to speak in favor of the project; no one did. He asked if there was any written correspondence in favor of the project; there was none. He asked if anyone wished to speak against the project; no one did. He asked if there was any written correspondence against the project; there was none. Mayor Woods then called the Public Hearing to a close.

A resolution was offered by Wagner seconded by Koets to award the contract for the East Side Sewer Project 2009 to Havens Construction for \$1,225,183.00 and authorize the Mayor and Clerk to execute the proper documentation. White, Winborn, Shelton, Wilson, Wagner, Koets and Wynn voted aye. Resolution declared passed.

A resolution was offered by Shelton seconded by Wilson to special assess nuisance abatement charges in the amount of \$1,887.50 for nonpayment of nuisance abatement charges for the following properties legally described as:

Lots 1-2-3 blk 2 1 <sup>st</sup> Southern, Parcel #24010-590-008-00 (800 S Vine) .....	\$175.00
Lot 141 Original Plat, Parcel #24010-320-117-00 (500 S Elm).....	\$175.00
Lot 96 West Creston Sec. C, Parcel #24010-360-083-00 (907 W Adams) .....	\$137.50
Lot 409-410 Original Plat (305 S Pine).....	\$175.00
S ½ Lot 198 & all Lots 199 & 200 McDonald's South, Parcel #24010-380-101-00 (231 S Chestnut) ...	\$175.00
Lot 38, McDonald's North Section A, Parcel #24010-390-051-00 (310 N Mulberry).....	\$175.00
Lot 59, Swigert's 2 <sup>nd</sup> , Parcel #24010-420-006-50 (707 N Vine).....	\$175.00
Lot 12 Subdivision Lot 240 West Creston Sec A, Parcel #24010-340-274-00 (801 W Jefferson) .....	\$175.00
Lot 273 Original Plat, Parcel #24010-320-238-00 (507 S Maple).....	\$175.00

Lots 411 & 412, Original Plat, Parcel #24010-320-352-00 (303 S Pine).....\$175.00  
E 100 ft., Lot 10 DeVoe's 2<sup>nd</sup> Add., Parcel #24010-540-030-00 (502 W Seneca) .....\$175.00

and authorize the Mayor and Clerk to execute the proper documentation. Wagner, Koets, Wynn, White, Winborn, Shelton and Wilson voted aye. Resolution declared passed.

Wagner moved seconded by Shelton to establish the Second Reading of Ordinance Number 09-114, entitled: an ordinance amending the Code of Ordinances of the City of Creston, Iowa, 1996, by amending Ordinance No. 09-113 for the additional amount to be charged per Iowa Code 321.236(a) for fines if not paid within 30 days. Section 1, Chapter 70.03. Wagner, Koets, Wynn, White, Winborn, Shelton and Wilson voted aye. Second Reading declared established.

A resolution was offered by Wagner seconded by Koets naming the City of Creston's Depositories and authorize the Mayor and Clerk to execute the proper documentation. Wynn, White, Winborn, Shelton, Wilson and Koets voted aye. Resolution declared passed.

A resolution was offered by White seconded by Winborn to accept a grant from South Central Iowa Community Foundation on behalf of McKinley Lake/Hurley Creek Watershed for \$7,589.76 and authorize the Mayor and Clerk to execute the proper documentation. Shelton, Wilson, Wagner, Koets, Wynn, White and Winborn voted aye. Resolution declared passed.

A resolution was offered by White seconded by Koets to accept a grant from South Central Iowa Community Foundation on behalf of Southern Prairie YMCA for \$1,850.00 and authorize the Mayor and Clerk to execute the proper documentation. Winborn, Shelton, Wilson, Wagner, Koets, Wynn and White voted aye. Resolution declared passed.

A resolution was offered by Shelton seconded by Wilson to accept a grant from South Central Iowa Community Foundation on behalf of the Creston Police Department for \$2,500.00 and authorize the Mayor and Clerk to execute the proper documentation. Wagner, Koets, Wynn, White, Winborn, Shelton and Wilson voted aye. Resolution declared passed.

A resolution was offered by Wilson seconded by White to approve the recommendation of the Planning & Zoning Commission to vacate and sell a portion of an east-west alley and authorize the Mayor and Clerk to execute the proper documentation. Winborn, Shelton, Wilson, Wagner, Koets, Wynn and White voted aye. Resolution declared passed.

A resolution was offered by White seconded by Shelton to set a Public Hearing to vacate and sell a portion of an east-west alley for July 21, 2009, at 6:00 p.m. and authorize the Mayor and Clerk to execute the proper documentation. Wilson, Wagner, Koets, Wynn, White, Winborn and Shelton voted aye. Resolution declared passed.

A resolution was offered by White seconded by Koets to set a Public Hearing for an easement request to construct an awning on City right-of-way at 129 N. Pine Street for July 21, 2009, at 6:00 p.m. and authorize the Mayor and Clerk to execute the proper documentation. Wynn, White, Winborn, Shelton, Wilson, Wagner and Koets voted aye. Resolution declared passed.

A resolution was offered by Wilson seconded by Shelton to approve a funding request drawdown of \$37,429.00 from the Hurley Creek/McKinley Watershed Improvement Association WIRB Funds and authorize the Mayor and Clerk to execute the proper documentation. Wagner, Koets, Wynn, White, Winborn, Shelton and Wilson voted aye. Resolution declared passed.

A resolution was offered by Wilson seconded by Shelton to accept a grant from the Department of Justice on behalf of the Creston Police Department for \$11,360.00, of which 67% (\$7,612.00) will be allocated to the City of Creston and 33% (\$3,748.00) will be allocated to Union County and authorize the Mayor and Clerk to execute the proper documentation. Wagner, Koets, Wynn, White, Winborn, Shelton and Wilson voted aye. Resolution declared passed.

A resolution was offered by Wagner seconded by White to approve a funding request drawdown of \$314,650.00 from the Summit Lake WIRB Funds and authorize the Mayor and Clerk to execute the proper documentation. Winborn, Shelton, Wilson, Wagner, Koets, Wynn and White voted aye. Resolution declared passed.

A resolution was offered by Wagner seconded by Shelton to approve the City pursuing the acquisition of abandoned property located at 605 West Adams Street, Creston, Union County, Iowa and authorize the Mayor and Clerk to execute the proper documentation. Koets, Wynn, White, Winborn, Shelton, Wilson and Wagner voted aye. Resolution declared passed.

Linda Kilgore, 601 E. Townline, appealed her residential solid waste charges to Council, claiming she had received permission from the City in October 1990 to use the dumpster located at their business for their residential waste.

Winborn moved to approve the appeal. Motion died for lack of a second.

White moved seconded by Shelton to deny an appeal by Linda Kilgore of 601 E. Townline, to pay residential solid waste fees. All voted aye. Motion declared carried.

Kevin Downey, 411 N. Maple, appealed his residential solid waste charges to Council, claiming because he recycles, he has no solid waste.

White moved seconded by Koets to deny an appeal by Kevin Downey of 411 N. Maple, to pay residential solid waste fees. All voted aye. Motion declared carried.

Under Other Items, Mayor Woods announced that the City's website is now up and running, and to view it at [www.crestoniowa.org](http://www.crestoniowa.org).

Mayor Woods also notified Council that the City had received a packet from RAGBRAI and asked that they let him know if there are any groups and individuals that are willing to volunteer helping out with RAGBRAI should the City of Creston be chosen as part of their route in the future.

Wilson moved seconded by Wagner to adjourn the meeting. All voted aye. Motion declared carried. Council adjourned at 7:12 P.M.

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Mayor

Attest:

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City Clerk

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
POLICE PROTECTION	GENERAL FUND	PETTY CASH - POLICE	#051-TRAINING CLASS	50.00
		TRUE VALUE HARDWARE & RENTAL	KEYS-IMPALA & KEY TAG RAC	38.38
			TOTAL:	88.38
DETENTION & CORRECTNS	GENERAL FUND	UNION CO AUDITOR	LEC BILLING-JUN'09	5,822.46
			TOTAL:	5,822.46
FIRE PROTECTION	GENERAL FUND	BOYD APPLIANCE & TV INC	REPAIR REFRIGERATOR	152.75
		INT'L CODE COUNCIL INC	REFERENCE BOOK TABS	19.00
		CRESTON CITY WATER WORKS	WATER-FIRE	10.92
			WATER-FIRE	27.94
		INTERSTATE POWER SYSTEMS INC	2-FILTERS	48.98
		MCI MEGA PREFERRED	LONG DISTANCE	2.90
		NAPA	FILTERS	158.68
		PETTY CASH - FIRE	#1417-WATER	11.97
			#1418-13QT PAN	5.34
			#1419-FUEL	40.60
			#1420-WATER FILTER	10.47
			#1421-POSTAGE	9.18
			TOTAL:	498.73
ANIMAL CONTROL	GENERAL FUND	CRESTON VET CLINIC PC	EUTHANIZE DOG	6.50
			SUCCESSFUL ADOPTION	20.00
		O'RILEY, MARK OR MARY	TOTAL:	26.50
AIRPORT	GENERAL FUND	WASTE MANAGEMENT	DUMPSTER-JUN'09	61.96
		GATES, ALAN	AIRPORT LIGHTING ON CRIB	750.00
		MCI MEGA PREFERRED	LONG DISTANCE	1.34
		SOUTHWEST IOWA RURAL ELECTRIC	ELECTRICITY-AIRPORT	34.00
		WEST AVIATION INC	PER FBO CONTRACT	1,354.17
			REIMBURSEMENT	580.59
			TOTAL:	2,782.06
SOLID WASTE CLCT/DSPSL	GENERAL FUND	WASTE MANAGEMENT	GARBAGE COLLECT-JUN'09	35,939.86
		PRAIRIE SOLID WASTE AGENCY	TV, TIRE, SOLID WASTE	40.80
			TOTAL:	35,980.66
LIBRARY SERVICES	GENERAL FUND	WASTE MANAGEMENT	DUMPSTER-JUN'09	40.89
		MCI MEGA PREFERRED	LONG DISTANCE	9.01
			TOTAL:	49.90
PARKS	GENERAL FUND	BARKER IMPLEMENT & MOTOR CO INC	CLIP	5.56
			POWER STEERING VALVES	1,320.00
			RRP CLUTCH & STEERING	3,787.26
			GROOVE/FLAT PULLEY	225.18
			20 GAL HYDRAULIC FLUID	249.75
		BYERS, JUSTIN G	FIX LOCK @ RAINBOW PARK	40.50
		CRESTON CITY WATER WORKS	WATER-RNBW PRK FOUNTAIN	252.98
			WATER-RAINBOW PARK	7.12
			DUMPSTER-JUN'09	115.56
		WASTE MANAGEMENT	DUCT TAPE & PAPER TOWELS	84.40
		FARM & HOME SUPPLY INC	LONG DISTANCE	0.78
		MCI MEGA PREFERRED	POINT PLUG FOR 1030	19.15
		NAPA		
			TOTAL:	6,108.24
RECREATION	GENERAL FUND	PETTY CASH - RECREATION	#1621-FUSES	12.66

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			TOTAL:	12.66
WASTE MANAGEMENT	GENERAL FUND	WASTE MANAGEMENT	DUMPSTER-JUN'09	61.96
		MCI MEGA PREFERRED	LONG DISTANCE	3.95
		QUALITY GLASS COMPANY	WINDOW GLASS-BKHoe CAB	128.72
		SCURLOCK, MIDGE	REIMBURSEMENT	420.00
			TOTAL:	614.63
SWIMMING POOL	GENERAL FUND	FARM & HOME SUPPLY INC	PECKS TUBING FOR CHLORINA	27.00
		POOL TECH INC	POOL SUPPLIES	30.00
			3000 LBS CHLORINE & SHOCK	6,135.25
			TOTAL:	6,192.25
ECONOMIC DEVELOPMENT	GENERAL FUND	UNION CO DEVELOPMENT ASSOCIATION	1/2 VISITOR CTR-JAN/JUN'09	450.77
			TOTAL:	450.77
FINANCIAL ADMINISTRATN	GENERAL FUND	BANKERS LEASING CO	COPIER LEASE-MAINTENANCE	325.65
		MCI MEGA PREFERRED	LONG DISTANCE-CITY HALL	22.92
			LONG DISTANCE-FAXES	2.41
		RAY AND ASSOCIATES INC	NEG/CONS SVCS-JUL'09	691.67
			TOTAL:	1,042.65
LEGAL SERVICES	GENERAL FUND	KENYON & NIELSEN PC-ATTYS AT LAW	PROF SVCS-JUL'09	100.00
			PROF SVCS-JUL'09	113.50
			PROF SVCS-JUN/JUL'09	1,198.89
			TOTAL:	1,412.39
HALL	GENERAL FUND	CRESTON CITY WATER WORKS	WATER-CITY HALL	26.16
		INNOVATIVE INDUSTRIES INC	JANITORIAL SVCS-JUN'09	328.00
		KONE INC (MOLINE)	CITY ELEV MAINT 07/09-09/0	165.99
			TOTAL:	520.15
INSURANCE (GENERAL)	GENERAL FUND	EMC INSURANCE COMPANIES	DEDUCTIBLE-LUTHER/PARSONS/	602.64
			TOTAL:	602.64
ROAD MAINTENANCE	ROAD USE TAX	AGRI DRAIN CORP	8-20"x10" METAL PIPE-CMP	1,732.98
		AMERICAN CONCRETE PRODUCTS INC	2 YDS C-4 NO ASH	306.00
		ARAMARK (LAUNDRY ACCTS)	LAUNDRY SERVICE	86.91
		CRESTON AUTO PARTS INC	1-CASE OIL FILTERS	57.46
		DIAMOND VOGEL PAINTS	STREET PAINT	1,007.70
		GRIMES ASPHALT & PAVING CORP	7.55 T COLD MIX	830.50
		MCI MEGA PREFERRED	LONG DISTANCE	5.31
		STIVERS FORD	AIR PUMP-"36"	449.86
		NAPA	1-5 GAL HYDRO OIL	69.38
			BATTERY-HOSE	97.04
			BATTERIES-BREAKER-V BELTS	260.87
			MICRO TORCH	16.98
		AGRILAND FS INC	GPI 20 GPM NO/METER	537.29
		SCHILDBERG CONSTRUCTION COMPANY INC	104.83T CLASS D ROAD ROCK	1,085.00
			15.27T CLASS D ROAD ROCK	158.04
			35.55T CLASS D ROAD ROCK	367.94
		TRANS IOWA EQUIPMENT CO	SHAFT MAIN BROOM-TOW BAR	181.28
			DIRT SHOES-BROOMS	640.93
			TOTAL:	7,891.47
MC KINLEY PARK RENOVAT	RESTRICTED GIFTS-M	UNITED BRICK AND TILE CO	MEMORIAL BRICKS	214.16

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			MEMORIAL BRICKS	62.41
			TOTAL:	276.57
CAPITAL PROJECTS	CAPITAL PROJECTS F	TILLEY, DR. STEVE	REIMBURSEMENT-BUFFER	5,596.30
			TOTAL:	5,596.30
SANITARY SEWER/WASTWTR	SEWER OPERATING FU	B M SALES	1-CASE PAPER TOWELS	52.50
		CRESTON CITY WATER WORKS	1/2 ONE CALLS-JUN'09	49.95
			SUMMIT LAKE ENG STUDY	4,592.00
		WASTE MANAGEMENT	DUMPSTER-JUN'09	75.14
		HACH COMPANY	CHEMICALS	237.53
			CHEMICALS	13.59
		HYGIENIC LABORATORY	NUTRIENT DEMAND	36.00
			1-BOD, TSS, TKN, NH3, O&G	156.00
			2-NH3'S	36.00
			2-NH3'S	36.00
			4-NH3'S; 2-BOD'S; METALS	260.00
		MCI MEGA PREFERRED	LONG DISTANCE	6.67
		O'REILLY AUTOMOTIVE INC	BOXES AND LINKS OF CHAIN	361.20
		OFFICE MACHINES	2 PACKS DVD-R	38.58
		PETTY CASH - SANITATION	#497199-POSTAGE	2.61
			#497200-VALVES, PLUGS	22.44
			#497201-BULB	24.00
		POLLUTION CONTROL SYSTEMS	PUMP	3,065.00
		UPS	POSTAGE	18.27
			POSTAGE	21.05
			TOTAL:	9,104.53
AL CONTROL	ANIMAL SHELTER *AG	CRESTON PUBLISHING CO	CARE ADS-JUN'09	11.20
		CRESTON VET CLINIC PC	EMERG EXAM FOR POUND DOG	205.10
			NEUTER CAT-P VANESS	59.00
			LEUKEMIA TEST-POUND CAT	71.10
			TOTAL:	346.40

## ===== FUND TOTALS =====

001	GENERAL FUND	62,205.07
110	ROAD USE TAX	7,891.47
166	RESTRICTED GIFTS-MCKNLY P	276.57
301	CAPITAL PROJECTS FUND	5,596.30
610	SEWER OPERATING FUND	9,104.53
953	ANIMAL SHELTER *AGENCY FU	346.40

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GRAND TOTAL: 85,420.34  
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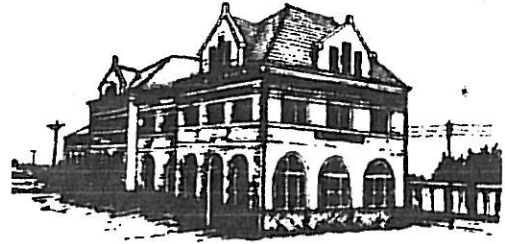


CITY OF CRESTON  
MANUAL CHECKS/DEBITS – PERIOD ENDING 07/21/09

NO DEPT ENTERED		
ELECTRONIC FEDERAL TAX	TAX DEPOSIT	15,809.39
COLLECTION SERVICES		80.00
NO DEPT ENTERED	<b>TOTAL</b>	<b>\$15,889.39</b>
FINANCIAL ADMINISTRATION		
FIRST NATIONAL BANK	NSF CHECK	112.00
NEOPOST	POSTAGE DRAWDOWN	500.00
FINANCIAL ADMINISTRATION	<b>TOTAL</b>	<b>\$ 612.00</b>
SWIMMING POOL		
IA DEPT OF REVENUE	QTRLY SALES TAX	1,098.00
SWIMMING POOL	<b>TOTAL</b>	<b>\$ 1,098.00</b>
SELF FUNDING INSURANCE		
AMERICAN ADMINIS – CLAIMS (2)	INV CHECK RUN	15,970.69
SELF FUNDING INSURANCE	<b>TOTAL</b>	<b>\$15,970.69</b>
<b>GRAND TOTALS</b>		<b>\$33,570.08</b>

# CRESTON POLICE DEPARTMENT

302 N. Pine Street Creston, IA 50801-0449  
Phone 641-782-8402 • Fax 641-782-8404



*Creston's Restored Depot and City Hall*

To: Lisa Williamson, City Clerk

From: Paul Ver Meer, Chief of Police

Subj: Choung Garden and  
Montgomery Street Pub

Date: July 17, 2009

Lisa,

As you requested I have looked for any past violations by the establishments that would block their request for a new liquor license. I have found no alcohol violation for the establishments within the past year.

At this time, I recommend that the liquor license for Choung Garden and Montgomery Street Pub be approved.

Respectfully,

Paul Ver Meer  
Chief of Police

TO THE CITY COUNCIL-FIRE CHIEF'S REPORTClass C Liquor License, Outdoor Service and Sunday Sales Permits


Fire Chief's Recommendation for Application By:

Chuong Garden Contact person: Simon ChuongAddress: 903 W. Townline Telephone: 782-5260Remarks by Fire Chief: Minor infraction owner to correct

Recommendation to City Council:

Approval of Application X Disapproval of Application\* \_\_\_\_\_

\*Explain reason in remarks above

07/17/09  
Date  
Fire Chief's - Signature

\*\*\*\*\*

Application received by City Clerk's Office: \_\_\_\_\_

Application will be presented to City Council: \_\_\_\_\_

Please file report with City Clerk's Office by: \_\_\_\_\_

Applicant's license expires: \_\_\_\_\_

TO THE CITY COUNCIL-FIRE CHIEF'S REPORTClass C Liquor License, Outdoor Service and Sunday Sales Permits

Fire Chief's Recommendation for Application By:

Montgomery St. Pub Contact person: Randy SearberryAddress: 207 E Montgomery St. Telephone: 782-2165Remarks by Fire Chief: minor infractions, owner is  
correcting

Recommendation to City Council:

Approval of Application X Disapproval of Application\* \_\_\_\_\_

\*Explain reason in remarks above

07/17/09  
Date[Signature]  
Fire Chief's - Signature

\*\*\*\*\*

Application received by City Clerk's Office: \_\_\_\_\_

Application will be presented to City Council: \_\_\_\_\_

Please file report with City Clerk's Office by: \_\_\_\_\_

Applicant's license expires: \_\_\_\_\_

**ORDINANCE NO. 09-115****AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESTON, IOWA, 1996, BY AMENDING PROVISIONS PERTAINING TO PEDDLER'S, SOLICITOR'S AND TRANSIENT MERCHANT'S LICENSES**

Be It Enacted by the City Council of the City of Creston, Iowa:

**SECTION 1. SECTIONS MODIFIED.** Chapter 122, Section 04, Subsections 1-8; Section 05, Subsections 2-5; Section 06, Subsections 1-2; Sections 07, 11, 12, 13, 14, 15, 18, Subsections 3 and 5; and Section 19 of the Code of Ordinances of the City of Creston, Iowa, 1996, is repealed and the following adopted in lieu thereof:

**122.04 APPLICATION FOR LICENSE.** Any person, firm, partnership, corporation or association not exempt from the application of the chapter shall file an application in writing with the Police Chief for a license under this chapter. A non-refundable application fee of ten dollars (\$10.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein. The application shall contain the following information:

1. Applicant's name, permanent and local address and local phone number;
2. Applicant's date of birth and physical description;
3. Applicant's employer, if any, and the employer's address;
4. A place for the applicant to indicate whether or not the applicant has an Iowa retailer's sales tax permit and, if so, the applicant's sales tax permit number;
5. Applicant's motor vehicle description;
6. The nature of the applicant's business;
7. Last three places of such business; and
8. Length of time to be covered by the license.

Applicants must also furnish photo identification and criminal history data from the Department of Criminal Investigation updated within one year from license/permit request.

**122.05 LICENSE FEES.** The following license fees shall be paid to the Police Chief prior to the issuance of any license.

- |                                   |            |
|-----------------------------------|------------|
| 1. Non-refundable application fee | \$ 10.00   |
| 2. One day license                | \$ 50.00   |
| 3. One week                       | \$150.00   |
| 4. Six months                     | \$500.00   |
| 5. One year or major part thereof | \$1,000.00 |

**122.06 BOND/LICENSE REQUIRED.**

1. **Transient Merchants.** Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Police Chief evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.
2. **Peddlers.** Before a license under this chapter is issued to a peddler who is engaged in selling food items as a mobile food unit, an applicant shall provide to



the Police Chief evidence that the applicant possesses a State of Iowa Mobile Food License as required by Section 137F.4 of the Code of Iowa.

- 122.07 LICENSE ISSUED.** If the Police Chief finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

Upon issuance of license, the Chief of Police shall provide a copy to the City Clerk and Chamber of Commerce.

- 122.11 REVOCATION OF LICENSE.** After notice and hearing, the Police Chief may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license of in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

- 122.12 NOTICE.** The Police Chief shall send notice to the licensee at the licensee's local address or hand deliver the notice, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

- 122.13 HEARING.** The Police Chief shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Police Chief may proceed to a determination of the complaint.

- 122.14 RECORD AND DETERMINATION.** The Police Chief shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Police Chief finds clear and convincing evidence of substantial violation of this chapter or State law.

- 122.15 APPEAL.** If the Police Chief revokes or refuses to issue a license, the Police Chief shall make a part of the record the reasons therefore. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the Police Chief by a majority vote of the Council members present and the Police Chief shall carry out the decision of the Council.

- 122.18 LICENSE EXEMPTIONS.** The following are excluded from the application of this chapter.

3. **Local Residents and Farmers.** Local residents and farmers who offer products for sale.
5. **Route Sales.** Route delivery persons who only incidentally solicit additional business or make special sales (i.e. Schwans, Avon).

**122.19 CHARITABLE AND NONPROFIT ORGANIZATIONS.** Authorized representatives of charitable or nonprofit organizations which have a place of business in Union County, Iowa, operating under the provisions of Chapter 504A of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04, 122.05 and 122.06. All such organizations are required to submit in writing to the **Police Chief** the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the **Police Chief** finds that the organization is a bona fide charity or nonprofit organization, the **Police Chief** shall issue, free of charge, a license containing the above information to the applicant. In the event the **Police Chief** denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.15 of this chapter.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
WARREN WOODS  
Mayor, City of Creston

ATTEST:

\_\_\_\_\_  
LISA WILLIAMSON  
Clerk, City of Creston

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. 09-115 on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
LISA WILLIAMSON  
Clerk, City of Creston

PARK AND RECREATION BOARD

Meeting Minutes

Tuesday – June 30, 2009

The Park and Recreation Board met in regular session.

Attending were:     Mark Huff                     Gary Borcharding  
                             John Kawa                     Rudy Ehm  
                             Jane Brown                     Birdie Sandeman  
   Dave Lamphear

The Board approved the minutes of the June 16, 2009 meeting.

Motion --- Kawa

Second --- Brown

All voted Aye.     Motion carried

The Board voted to not accept the grant from FEMA for the storm shelter/restroom in McKinley Park.

Motion --- Borcharding

Second --- Brown

All voted Aye.     Motion carried

The Board voted to pay \$139.00 to The Exchange from the McKinley Park Restricted Gift Fund.


Motion --- Kawa

Second --- Borcharding

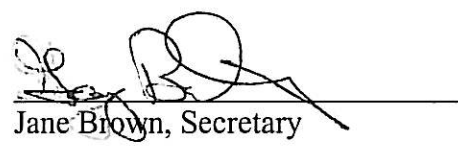
All voted Aye.     Motion carried

The next meeting is scheduled for July 7, 2009 at 5:30 pm in McKinley Park, Shelter #2.

The meeting adjourned at 6:20pm.



John Kawa, Chairman



Jane Brown, Secretary